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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,688	06/13/2001	Annemarie Poustka	POUSTKA-2	6614

20151 7590 01/05/2011
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EXAMINER

WESSENDORF, TERESA D

ART UNIT	PAPER NUMBER
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1639

NOTIFICATION DATE	DELIVERY MODE
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01/05/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09880688	6/13/2001	POUSTKA ET AL.	POUSTKA-2

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EXAMINER

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ART UNIT**PAPER**

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20101230

DATE MAILED:

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Commissioner for Patents

The reply filed on 10/29/10 is not fully responsive to the prior Office Action because: of the failure to correct the claim numberings such that the higher claim number do not improperly depend on the lower claim number. Applicants argue that new independent claims were introduced after some former independent claims were cancelled. Needless to say that the former dependent claims now must depend from the independent claim of a higher number. Applicants further argue that the citation of MPEP § 608.01(n) relates to claims of multiple dependencies. There are no multiple dependent claims in the application.

In reply, the dependency of the higher claim numbers to the lower claim numbers are improper and do not comply with the claim numberings as required by 37 CFR 1.126, See MPEP 608.01(j). The reference to MPEP 608.01(n) is regretted. (Note however that the numbering of single, dependent claim is similar in its requirement as in multiple dependent claims i.e., to depend on the lower number independent claim.). For example, claims 56-57 should be renumbered as new claims 91-92 such that they properly depend on independent claim 75 [with an accompanying remarks that new claims 91-92 correspond to cancel claims 56-57).

Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

/TERESA WESSENDORF/
Primary Examiner
Art Unit: 1639